

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00167-01

GARY STOVER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 13, 2017, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Gary Stover, appeared in person and by his counsel, Mark McMillian, for a hearing on the petition on supervised release submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a 34-month term of supervised release in this action on October 24, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 24, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel, including the government's request that the court revoke the defendant's 34-month term of supervised release.

The court finds that the defendant has violated the conditions of supervised release in the following respect: the defendant failed to abide by the special condition that he successfully complete the 9 to 12 month residential drug treatment program at Recovery Point in Parkersburg inasmuch as he entered the program on October 26, 2017, and was discharged on November 12, 2017, after he failed to return to the program after curfew; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.


Inasmuch as the defendant provided a barely plausible explanation for his failure to return to the Recovery Point program, and inasmuch further as Recovery Point is willing to permit the defendant to reenter the program and a bed is available today, the court declines to revoke supervised release and the defendant remains on the 34-month term of supervised release imposed by the court's entered on October 24, 2017, with the special condition that beginning today, he participate in and successfully complete the 9 to 12 month residential drug treatment program at Recovery Point in Parkersburg, West Virginia, where he shall follow the rules and regulations of the

facility and participate fully in drug abuse counseling and treatment as directed by the facility and the probation officer. Upon his release from custody, the defendant is directed to proceed directly to Recovery Point in Parkersburg, West Virginia, without interruption.

The defendant was remanded to the custody of the United States Marshal for his return to South Central Regional Jail for processing prior to his release today.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 13, 2017



John T. Copenhaver, Jr.
United States District Judge